

**MONDAY, APRIL 15, 1996**

**EIGHTY-FIFTH LEGISLATIVE DAY**

The House met at 4:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Wood.

Representative Wood led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 224:** Rep(s). Herron as prime sponsor(s).

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**House Bill No. 1505:** Rep(s). Turner(Hamilton) as prime sponsor(s).

**House Bill No. 2364:** Rep(s). Bowers as prime sponsor(s).

**House Bill No. 2381:** Rep(s). West as prime sponsor(s).

**House Bill No. 2433:** Rep(s). Phelan, Bell and Cole(Dyer) as prime sponsor(s).

**House Bill No. 2642:** Rep(s). Fitzhugh, White and Herron as prime sponsor(s).

**House Bill No. 2679:** Rep(s). Newton, Ramsey, Patton, Dunn, McDaniel, Williams(Union) and Burchett as prime sponsor(s).

**House Bill No. 2731:** Rep(s). Eckles as prime sponsor(s).

**House Bill No. 2861:** Rep(s). West, Cantrell, Fitzhugh, White, Duer, Herron, Turner(Hamilton) and Bowers as prime sponsor(s).

**House Bill No. 2873:** Rep(s). Naifeh, Kent and Cole(Carter) as prime sponsor(s).

**House Bill No. 3077:** Rep(s). Stulce, Ramsey, Patton, McDaniel, Dunn, Williams(Union), Burchett, West and Turner(Hamilton) as prime sponsor(s).

**House Bill No. 3078:** Rep(s). West, Ramsey, Patton, McDaniel, Dunn, Williams(Union), Burchett and Turner(Hamilton) as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Rinks was/were removed as sponsor(s) of **House Bill No. 2646**.

**MESSAGE FROM THE GOVERNOR**

**April 12, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 645, 2366, 2520, 2622, 2698, 2788, 2887, 2951, 2974, 3203 and 3268, with his approval.

HARDY MAYS, Counsel to the Governor.

**SIGNED**

**April 12, 1996**

The Speaker signed the following: Senate Bill(s) No(s). 378, 794, 925, 1968, 2120, 2234, 2296, 2479 and 2677; also, Senate Joint Resolution(s) No(s). 184, 226, 284, 313, 345, 347, 427, 428, 429 and 430.

## RECOGNITION

Rep. Lewis was recognized in the Well to introduce Col. Michael Weaver of the Arnold Engineering Development Center.

## RULES SUSPENDED

Rep. Lewis moved that the rules be suspended for the purpose of introducing House Resolution No. 224 out of order, which motion prevailed.

**House Resolution No. 224** -- Memorials, Professional Achievement - Arnold Engineering Development Center, 45th anniversary. by \*Lewis.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Lewis, the resolution was adopted by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 98 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

## INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced:

**\*House Resolution No. 217** -- House of Representatives - Prohibits use of separate constituent service accounts by house members; requires reporting under campaign finance disclosure reports. by \*Williams (Williamson).

**\*House Joint Resolution No. 544** -- Highway Signs - "Frank Gorrell Memorial Highway," segment of Donelson Pike (S.R. 255), Davidson County. by \*West.

## REFERRAL OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) previously introduced were referred to the appropriate Committee:

**House Joint Resolution No. 541** -- Naming and Designating - "State Employee Week," June 16-22, 1996. by \*Ridgeway, \*Purcell, \*Armstrong, \*Arriola, \*Beavers, \*Bell, \*Bird, \*Bittle, \*Bowers, \*Bragg, \*Brooks, \*Brown, \*Buck, \*Burchett, \*Byrd, \*Callicott, \*Cantrell, \*Chumney, \*Clabough, \*Coffey, \*Cole (Carter), \*Cole (Dyer), \*Cross, \*Curtiss, \*Davidson, \*Davis, \*DeBerry J, \*DeBerry L, \*Duer, \*Dunn, \*Eckles, \*Fitzhugh, \*Ford S, \*Fowlkes, \*Garrett, \*Givens, \*Gunnels, \*Haley, \*Halteman Harwell, \*Hargrove, \*Hassell, \*Head, \*Herron, \*Hicks, \*Huskey, \*Jackson, \*Jones R (Shelby), \*Jones, S., \*Joyce, \*Kent, \*Kernell, \*Kerr, \*Kisber, \*Langster, \*Lewis, \*McAfee, \*McDaniel, \*McDonald, \*McKee, \*McMillan, \*Miller L, \*Naifeh, \*Napier, \*Newton, \*Odom, \*Patton, \*Peach, \*Phelan, \*Phillips, \*Pinion, \*Pruitt, \*Ramsey, \*Rhinehart, \*Ridgeway, \*Rigsby, \*Rinks, \*Ritchie, \*Roach, \*Robinson, \*Sharp, \*Shirley, \*Stamps, \*Stulce, \*Tindell, \*Towns, \*Turner (Hamilton), \*Turner (Shelby), \*Venable, \*Walley, \*West, \*Westmoreland, \*White, \*Whitson, \*Williams (Williamson), \*Williams (Union), \*Windle, \*Winningham, \*Wood.

Finance, Ways & Means Committee

## RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 17, 1996:

**House Resolution No. 218** -- Memorials, Personal Occasion - Jack and Betty Wylie, 40th Wedding Anniversary. by \*Brooks.

**House Resolution No. 219** -- Memorials, Academic Achievement - Lee Sheridan Nichols, Salutatorian, Munford High School. by \*Naifeh.

**House Resolution No. 220** -- Memorials, Academic Achievement - Laura Dawn Simpson, Valedictorian, Munford High School. by \*Naifeh.

**House Resolution No. 221** -- Memorials, Academic Achievement - Erin Elizabeth Ellis, Valedictorian, Tipton-Rosemark Academy. by \*Naifeh, \*Haley.

**House Resolution No. 222** -- Memorials, Academic Achievement - James F. Eckles, Salutatorian, Tipton-Rosemark Academy. by \*Naifeh, \*Haley.

**House Resolution No. 223** -- Memorials, Public Service - Laboratory of Sycamore Shoals Hospital, Elizabethton. by \*Cole (Carter).

**House Resolution No. 225** -- Memorials, Interns - Jaime Marie Arnold. by \*Kent.

**House Resolution No. 226** -- Memorials, Personal Occasion - Lottie Rush, 101st birthday. by \*McDonald.

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**House Resolution No. 227** -- Memorials, Personal Occasion - Mr. and Mrs. Ralph Robinson, 50th wedding anniversary. by \*Williams (Union).

**House Resolution No. 228** -- Memorials, Death - Trent Raley. by \*Williams (Union).

**House Resolution No. 229** -- Memorials, Retirement - Mrs. Margaret Wilburn. by \*Brooks.

**House Joint Resolution No. 546** -- Memorials, Sports - Tony Delk, Final Four Tournament Most Valuable Player. by \*Fitzhugh.

**House Joint Resolution No. 547** -- Memorials, Death - Dr. James E. Hamill. by \*Brooks.

**House Joint Resolution No. 548** -- Memorials, Professional Achievement - Merle Kirkwood. by \*McDonald.

**House Joint Resolution No. 549** -- Memorials, Professional Achievement - Terry J. Patterson - 25th years service, Action Auction of WDCN. by \*Robinson.

**House Joint Resolution No. 550** -- Memorials, Sports - 1995-1996 Perry County High School boys' basketball team. by \*Peach, \*McDaniel.

**House Joint Resolution No. 553** -- Memorials, Retirement - Fred Travis. by \*Bragg.

**House Joint Resolution No. 554** -- Memorials, Death - C. N. Armour. by \*Fitzhugh.

**House Joint Resolution No. 555** -- Memorials, Professional Achievement - Buck Johnson, first place, Golf Writers Association Newspaper Columns Category. by \*Stulce, \*Wood, \*McAfee, \*Sharp, \*Turner (Hamilton), \*Brown.

**House Joint Resolution No. 556** -- Memorials, Retirement - Mary M. Pulliam. by \*Walley.

**House Joint Resolution No. 557** -- Memorials, Congratulations - City of White House, 25th Anniversary. by \*McDonald.

**House Joint Resolution No. 559** -- Memorials, Interns - Matthew R. Moen. by \*Robinson, \*Fowlkes, \*Cole (Dyer).

**House Joint Resolution No. 560** -- Memorials, Academic Achievement - Jackson Christian School Decathlon. by \*McDaniel.

**House Joint Resolution No. 562** -- Naming and Designating - "Ross Bass Day" in Tennessee, April 22, 1996. by \*Fowlkes.

**House Joint Resolution No. 563** -- Memorials, Interns - C. Warren Wakeland. by \*Rhinehart, \*West, \*Rigsby.

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**House Joint Resolution No. 564** -- Memorials, Academic Achievement - Tim Francis, Valedictorian, Smyrna High School. by \*Beavers.

**House Joint Resolution No. 565** -- Memorials, Academic Achievement - Sonya Smith, 1996 Valedictorian, Lebanon High School. by \*Beavers.

**House Joint Resolution No. 566** -- Memorials, Academic Achievement - Andrew Zimmerle, Valedictorian, Forrest High School. by \*Beavers.

**House Joint Resolution No. 567** -- Memorials, Academic Achievement - Jennifer Krepp, Valedictorian, Smyrna High School. by \*Beavers.

**House Joint Resolution No. 568** -- Memorials, Academic Achievement - Matthew Treglia, Valedictorian, Smyrna High School. by \*Beavers.

**House Joint Resolution No. 569** -- Memorials, Academic Achievement - Dana Kincaid, Salutatorian, Forrest High School. by \*Beavers.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 17, 1996:

**Senate Joint Resolution No. 433** -- Memorials, Death - Russell H. Miles. by \*Haun.

**Senate Joint Resolution No. 434** -- Memorials, Public Service - Ralph Lindsey. by \*Koella.

**Senate Joint Resolution No. 435** -- Memorials, Academic Achievement - Huyen Mong Nguyen, Valedictorian, Antioch High School. by \*Rochelle.

**Senate Joint Resolution No. 436** -- Memorials, Academic Achievement - Chris Garner, Salutatorian, Antioch High School. by \*Rochelle, \*Harper.

**Senate Joint Resolution No. 437** -- Memorials, Academic Achievement - Charles David Koellein, Valedictorian, Ezell Harding Christian School. by \*Rochelle.

**Senate Joint Resolution No. 438** -- Memorials, Academic Achievement - Angela Yun-Chi Cheng, Salutatorian, Ezell Harding Christian School. by \*Rochelle.

**Senate Joint Resolution No. 441** -- Memorials, Public Service - Dr. Donald H. Ellis. by \*Holcomb.

**Senate Joint Resolution No. 442** -- Memorials, Public Service - Leadership Overton, 1995-1996. by \*O'Brien.

**Senate Joint Resolution No. 443** -- Memorials, Retirement - Ms. C. Emma Motley. by \*Wilder.

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**Senate Joint Resolution No. 445** -- Memorials, Death - Dorothy Shepard Goldstein, Nashville. by \*Cohen, \*Harper.

**\*Senate Joint Resolution No. 453** -- Memorials, Sports - 1995-1996 Hunter Elementary School girls' basketball team. by \*Crowe.

**Senate Joint Resolution No. 455** -- Memorials, Personal Occasion - Herbert and Lola Spain, 50th wedding anniversary. by \*Haynes.

**Senate Joint Resolution No. 457** -- Memorials, Professional Achievement - Katherine Daniel, District Level Teacher of the Year. by \*Womack.

**Senate Joint Resolution No. 463** -- Memorials, Professional Achievement - Washington County Republican Women, recipients 1994-1995 "Diamond Award.". by \*Crowe, \*Atchley.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3306** -- Bluff City - Subject to local approval, rewrites city charter. by \*Ramsey.

**House Bill No. 3307** -- Bluff City - Subject to local approval, rewrites city charter. Repeals Chapter 496 of the Private Acts of 1929. by \*Ramsey.

**House Bill No. 3308** -- Paris - Authorizes Paris Special School District to issue \$2.3 million in capital outlay notes Amends Chapter 150 of the Private Acts of 1919. by \*Ridgeway.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 2789** -- Highway Signs - "Music Highway," I-40, Davidson County to Mississippi River. by \*Cohen.

**Senate Bill No. 3056** -- Appropriations - Provides that balance in rainy day fund does not revert at end of fiscal year, but is carried over to next fiscal year. Amends TCA Title 9, Chapter 6. by \*Henry, \*Hamilton, \*Person, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Harper, \*Haun, \*Haynes, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**\*Senate Bill No. 3139** -- Obscenity and Pornography - Adds that oral leases or rental contracts on buildings used for sale or exhibition of obscene material unenforceable, as well as written leases or contracts. Amends TCA Section 66-7-105. by \*Fowler,

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\*Person, \*Elsea, \*Carter, \*Rice, \*Leatherwood, \*Haynes, \*Kyle, \*McNally, \*Miller J, \*Holcomb.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3285** -- County Officers -- House Finance, Ways & Means Committee

**House Bill No. 3286** -- Sports -- House Finance, Ways & Means Committee

**\*House Bill No. 3294** -- Uniform Commercial Code -- House Finance, Ways & Means Committee

**\*House Bill No. 3299** -- Uniform Commercial Code -- House Finance, Ways & Means Committee

**House Bill No. 3303** -- Unicoi County -- Local Bill Held on House Desk

**House Bill No. 3304** -- Unicoi County -- Local Bill Held on House Desk

**House Bill No. 3305** -- Gainesboro -- Local Bill Held on House Desk

**CONSENT CALENDAR**

**House Bill No. 2692** -- Handicapped Persons - Changes "severely handicapped" to "severely disabled"; changes advisory committee to committee to purchase from the blind and other severely disabled; revises language from workshops to work centers; expands authority of committee to recommend and evaluate fair market price for commodities recovering cost for work center. Amends TCA Section 4-29-221 and Title 71, Chapter 4, Part 7. by \*McDaniel, \*Odom. (\*SB2435 by \*Dixon)

On motion, House Bill No. 2692 was made to conform with **Senate Bill No. 2435**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2805** -- Insurance, Motor Vehicles - Revises uninsured motorist law to provide that uninsured motorist coverage need not be provided by excess or umbrella insurance policy. Amends TCA Title 56, Chapter 7, Part 12. by \*Buck, \*Gunnels. (\*SB2166 by \*Womack)

On motion, House Bill No. 2805 was made to conform with **Senate Bill No. 2166**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2892** -- Unemployment Compensation - Inserts two additional employer premium tables for purposes of employment security premiums. Amends TCA Title 50, Chapter 7, Part 4. by \*Cole (Dyer), \*Givens. (\*SB2986 by \*Koella, \*Dixon)



**House Bill No. 3004** -- Handicapped Persons - Broadens standards to be consulted when determining whether new building structure or substantially altered building structure meets minimum required specifications as to accessibility for handicapped persons. by \*Robinson. (\*SB2485 by \*Harper)

On motion, House Bill No. 3004 was made to conform with **Senate Bill No. 2485**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2218** -- Mental Illness - Includes Lawrence County in pilot program to reimburse licensed supportive living facilities for mentally ill. Amends TCA Section 12-4-330. by \*White. (\*SB2231 by \*Springer)

**House Bill No. 2577** -- Criminal Offenses - Authorizes court to consider as enhancement factor for aggravated assault or murder that person was emergency medical or rescue worker, emergency medical technician or paramedic whether compensated or acting as volunteer if person performing official duty. Amends TCA Section 39-13-204 and Section 39-13-102. by \*Jackson. (\*SB2742 by \*Holcomb)

On motion, House Bill No. 2577 was made to conform with **Senate Bill No. 2742**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2967** -- Taxes, Personal Property - Clarifies that storage tanks may be real property if immovable. by \*Kisber. (\*SB3067 by \*Rochelle)

On motion, House Bill No. 2967 was made to conform with **Senate Bill No. 3067**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2560** -- Tennessee Arts Commission - Requires commission to be official agency to receive and disburse funds from federal government for programs in cultural arts, in addition to performing, visual and literary arts and preservation of architecture art and artifacts. Amends TCA Title 4, Chapter 20. by \*DeBerry J, \*Bowers, \*Miller L. (\*SB2906 by \*Cohen)

**House Bill No. 3264** -- Lebanon - Subject to local approval, enacts "City of Lebanon Traffic Regulation Cost Act.". by \*Bell, \*Buck. (SB3251 by \*Rochelle)

**\*Senate Joint Resolution No. 356** -- Highway Signs - "James E. 'Buzz' Elkins Memorial Highway," S.R. 61 from Oak Ridge to Clinton, Anderson County. by \*McNally, \*Atchley, \*O'Brien, \*Wilder, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Eisea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*Miller J, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Womack, \*Wright.

**House Bill No. 3031** -- Criminal Procedure - Deletes requirement that criminal defendant entitled to new trial if vacancy occurs in judgeship between verdict and hearing on motion for new trial; provides that judge's successor to rule on new trial motion after reviewing transcript and record of trial. Amends TCA Title 17, Chapter 1, Part 3. by \*McMillan. (\*SB3146 by \*Person)

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**House Bill No. 2244** -- Intergovernmental Relations - Revises quorum requirements of advisory commission on intergovernmental relations; removes commission's responsibility to study grant programs. Amends TCA Title 4, Chapter 10. by \*Bragg, \*Kisber, \*Bittle, \*Purcell, \*Turner (Shelby). (\*SB1952 by \*Rochelle)

**House Bill No. 2121** -- Sunset Laws - Tennessee bureau of investigation, June 30, 2004. Amends TCA Title 4, Chapter 29, and Title 38, Chapter 6. by \*Kernell, \*Garrett, \*Brooks. (\*SB2009 by \*Haynes)

On motion, House Bill No. 2121 was made to conform with **Senate Bill No. 2009**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2116** -- Sunset Laws - Tennessee victims coalition, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 41. by \*Kernell, \*Garrett, \*Brooks. (\*SB2025 by \*Haynes, \*Kyle)

On motion, House Bill No. 2116 was made to conform with **Senate Bill No. 2025**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2809** -- Game and Fish Laws - Allows person with county fishing license living in city lying in two counties to fish in all of the waters of city, not just those in county. Amends TCA Section 70-2-203. by \*Coffey. (\*SB2093 by \*McNally)

On motion, House Bill No. 2809 was made to conform with **Senate Bill No. 2093**; the Senate Bill was substituted for the House Bill.

**House Bill No. 3131** -- Education, Higher - Clarifies that legally adopted person is instate resident for tuition purposes if adoptive parents Tennessee residents. Amends TCA Title 49, Chapter 8 and Title 47, Chapter 9. by \*Kerr, \*Patton, \*Callicott, \*Westmoreland. (\*SB2832 by \*Koella)

**House Joint Resolution No. 444** -- Naming and Designating - "Bicentennial Wagon Train of 1996.". by \*Newton.

**House Joint Resolution No. 415** -- General Assembly, Studies - Establishes joint study committee on graduated driver licenses. by \*Fowlkes.

**House Joint Resolution No. 461** -- General Assembly, Studies - Establishes joint study committee on special and cultural license plates. by \*White.

**House Joint Resolution No. 538** -- Memorials, Professional Achievement - Chapel Hill Lions Club, 50th Anniversary. by \*Beavers, \*Fowlkes.

**House Joint Resolution No. 543** -- Memorials, Sports - Coach Galen Johnson Jr. by \*Clabough, \*Kerr.

**House Joint Resolution No. 545** -- Memorials, Recognition and Thanks - Rogers Group, Inc. and Dave Adomyetz. by \*Fowlkes.

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**House Resolution No. 215** -- Memorials, Public Service - International Association of Black Professional Fire Fighters. by \*Jones U (Shelby), \*Miller L.

**House Resolution No. 216** -- Memorials, Professional Achievement - Progressive Black Fire Fighters of Memphis. by \*Jones U (Shelby).

**Senate Joint Resolution No. 449** -- Memorials, Professional Achievement - Marrie Lasater, District Level Teacher of the Year. by \*Womack.

**Senate Joint Resolution No. 450** -- Memorials, Sports - 1995-1996 Lake County High School boys' basketball team. by \*Hamilton.

**House Bill No. 3278** -- Marshall County - Subject to local approval, creates "Marshall County Adequate Facilities Tax.". by \*Fowlkes, \*Beavers.

**House Bill No. 3282** -- Kingsport - Subject to local approval, revises corporate powers and procedures relating to the passage of ordinances relative to charter. Amends Chapter 76 of the Private Acts of 1917; as amended. by \*Westmoreland, \*Venable, \*Ramsey. (SB3270 by \*Holcomb)

**House Bill No. 3288** -- Kingsport - Subject to local approval, revises authority of council relative to advisory boards. Amends Chapter 328 of the Acts of 1903. by \*Cantrell. (SB3277 by \*O'Brien)

**House Bill No. 3291** -- Clarksville - Subject to local approval of City of Clarksville and Montgomery County, expands powers of hospital district. Amends Chapter 99 of the Private Acts of 1953; as amended. by \*Head, \*McMillan. (SB3279 by \*Rice)

**House Bill No. 3293** -- Bolivar - Subject to local approval, amends charter relative to certain city employees. Amends Chapter 142 of the Private Acts of 1953; as amended. by \*Walley. (SB3283 by \*Wilder)

**House Bill No. 3289** -- School Districts, Special - Allows \$10.5 million bond issue for McKenzie High School District; sets debt service tax rate at \$.95/\$100 to repay bonds. Amends Chapter 533 of the Private Acts of 1917, as amended. by \*Phelan, \*Herron. (SB3276 by \*Carter)

**House Bill No. 3290** -- School Districts, Special - Allows Hollow Rock-Bruceton school district to issue bonds for \$5,750,000; sets debt service tax rate at \$.94 to retire bonds for construction of facilities. Amends Chapter 317 of the Private Acts of 1927, as amended. by \*Phelan. (SB3275 by \*Carter)

**House Bill No. 3295** -- Greene County - Subject to local approval, places proceeds of motor vehicle privilege tax in general debt service fund or other fund as determined by resolution rather than general fund. Amends Chapter 251 of the Private Acts of 1976. by \*Davis. (SB3288 by \*Haun)

**House Bill No. 3301** -- Hamblen County - Subject to local approval, revises requirements for road commission; provides for election of road superintendent by popular

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vote in regular August election. Amends Chapter 313 of the Private Acts of 1949; as amended. by \*Ford S. (SB3287 by \*Haun)

**House Bill No. 3302** -- Kingston - Subject to local approval, amends charter to hold municipal election on date that coincides with elections for other municipalities in county. Amends Chapter 328 of the Acts of 1903. by \*Cantrell. (SB3286 by \*O'Brien)

**House Bill No. 3298** -- Columbia - Subject to local approval, allows non-resident property owners to vote in city elections. Amends Chapter 380 of the Private Acts of 1972. by \*Napier. (SB3289 by \*Jordan)

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 2560:** by Rep. DeBerry J.

**House Bill No. 3131:** by Rep. Kerr.

**House Bill No. 3278:** by Rep. Fowlkes.

Under the rules, House Bill No: 2560, 3131 and 3278 was/were placed at the foot of the calendar for April 18, 1996.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 97 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

**House Bill No. 2508** -- County Officers - Permits interim county executive to be appointed if office becomes vacant in middle of term. Amends TCA Title 5, Chapter 5, Part 1. by \*Jackson, \*Winningham. (\*SB2844 by \*Henry, \*Springer)

Further consideration of House Bill No. 2508, previously considered on April 10, 1996, and reset to today's Calendar.

On motion, House Bill No. 2508 was made to conform with **Senate Bill No. 2844**; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 2844, be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. Jackson moved that **Senate Bill No. 2844** be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 96 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2326** -- Guardianship - Gives conservator 120, rather than 60, days from date conservatorship terminates to file preliminary final accounting with court. Amends TCA Title 34 and Title 35. by \*Buck. (\*SB2206 by \*Rochelle)

Rep. Buck moved that House Bill No. 2326 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2326 by adding the following as a new section to be appropriately designated and by redesignating the effective date section as Section 3:

Section 2. Tennessee Code Annotated, Section 34-11-115, is amended by adding the following as a new subsection to be appropriately designated:

( ) (1) Notwithstanding any provision of law to the contrary, no property management plan shall be required for the property of a minor or disabled person if such property does not exceed twenty-five thousand dollars (\$25,000) in value, unless, on motion of any interested party including the guardian ad litem, the court finds such plan would be in the best interest of such minor or disabled person.

( ) (2) If no plan is filed pursuant to the provisions of ( ) (1) of this subsection, the fiduciary's first accounting and all subsequent accountings shall state how the funds of the estate are invested and how such fiduciary proposes such funds will be invested for the coming year.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 2326**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 2330** -- Professions and Occupations - Enacts "Client Access to Records Act"; requires any person whose occupation requires state licensure to make copy of files on client available to client upon reasonable notice and cost; gives client civil cause

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of action and entitles client to liquidated damages of not less than \$500.00 as well as reasonable attorneys fees. by \*Buck. (SB2391 by \*Crutchfield)

Rep. Buck moved that House Bill No. 2330 be passed on third and final consideration.

Rep. Buck moved that House Bill No(s). 2330 be reset to the Regular Calendar for April 22, 1996, which motion prevailed.

**House Bill No. 2507 --** Judges and Chancellors - Removes authority for selection of special judge when judge fails to appear. Amends TCA Title 16 and Title 17, Chapter 2. by \*Buck, \*Eckles, \*Bragg, \*Jackson, \*Williams (Williamson). (\*SB2160 by \*Person)

Rep. Buck moved that House Bill No(s). 2507 be reset to the Regular Calendar for April 22, 1996, which motion prevailed.

**OUT OF ORDER**

Rep. Buck moved that House Bill No. 2330, previously considered on today's Calendar and reset for April 22, 1996, be heard out of order, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

Rep. Buck requested that House Bill No. 2330 be moved down 5 places on the Calendar.

**House Bill No. 2232 --** Bail, Bail Bonds - Establishes continuing education requirements and procedures for professional bail bonding agents Amends TCA Title 40, Chapter 11. by \*Buck. (\*SB2224 by \*Person)

Rep. Buck moved that House Bill No. 2232 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2232 by inserting the following between the language "January 15 of each year," and the words "the clerk" in Section 40-11- 403 added by the amendatory language of SECTION 1:

the clerk shall, by certified mail, notify the agent that he or she is not in compliance with the continuing education requirements of this part and of the number of hours such agent lacks being in compliance. If the agent has not furnished the clerk with a certificate of compliance with such continuing education requirements within sixty (60) days of receiving the notice of noncompliance,

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On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2232 by deleting Section 40-11-401 of the amendatory language of SECTION 1 and substituting instead the following:

Section 40-11-401. Each professional bail bondsman or bail bonding agent, individually, including partners, officers and directors of a corporation engaged for profit in the business of furnishing bail, making bonds or entering into undertakings as surety in criminal proceedings as defined in Section 40-11-301, shall obtain eight (8) hours of continuing education credits during each twelve (12) month period beginning on January 1, 1997. For the purpose of this part, "agent" means a professional bail bondsman or professional bail bonding agent except for those who are licensed as limited insurance representatives by the Tennessee department of commerce and insurance pursuant to the provisions of Tennessee Code Annotated, Section 56-6-131, et. seq., and the regulations of said department. Agents holding limited insurance representative licenses are expressly excluded from the provisions of this part; however limited insurance representatives may attend such continuing education programs at their option.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 2232 by adding the following new appropriately numbered new section to the amendatory language of SECTION 1:

Section 40-11-4\_\_\_. Nothing in this part shall be construed as altering or infringing upon the right of the trial judge to approve bondsmen who are licensed under the provisions of this act. An appeal from a trial judge's failure to approve a licensed bondsman shall be taken as provided by law.

On motion, Amendment No. 3 was adopted.

Rep. Buck moved that House Bill No(s). 2232 be reset to the Regular Calendar for April 22, 1996, which motion prevailed.

**House Bill No. 2987** -- Local Education Agency - Revises powers and duties of board with respect to school buildings Amends TCA Section 49-2-203. by \*Kisber. (\*SB3074 by \*Cooper)



Rep. Kisber moved that House Bill No. 2987 be passed on third and final consideration.

Rep. Callicott moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2987 by adding the following new section to be appropriately designated:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 49-2-203, is amended by adding the following new language to be designated as (b)(12):

Contract with an independent contractor, either individually or in cooperation with other local education agencies, to provide alternative school services as required at Section 49-6-3402 and the rules of the state board of education. School funds appropriated to the school systems may be used to defray any and all expenses associated with the contractual obligation herein authorized.

On motion, Amendment No. 1 was adopted.

**VOTE RECORDED**

Rep. Rhinehart requested that he be recorded in the Journal as voting no on Amendment No. 1 to House Bill No. 2987.

**REGULAR CALENDAR, CONTINUED**

Rep. Kisber moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2987 by adding to the amendatory language of SECTION 1 the following new language:

The provisions of this subdivision shall not be construed to authorize or permit actual construction work by a construction manager who has been hired for a construction project or to modify or suspend any competitive bid provisions of the law applicable to the construction work which is under the supervision of such construction manager as applicable only under this section.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved that **House Bill No. 2987**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96

Noes ..... 0  
Present and not voting ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

**House Bill No. 2581** -- Aged Persons - Increases time period for which court may appoint temporary guardian for abused adult and subsequent renewal thereof from six to seven months; redefines "disabled person" for guardianship purposes to include abused adults under TCA Title 71, Chapter 6. Amends TCA Title 4; Title 39, Chapter 3; Title 40, Chapters 34 and 35; Title 68, Chapter 11 and Title 71, Chapter 6. by \*Chumney. (\*SB2464 by \*Gilbert)

Rep. Chumney moved that House Bill No. 2581 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2581 by deleting Sections 1 and 2 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 34-11-101(7), is amended by deleting the words "advanced age,".

SECTION 2. Tennessee Code Annotated, Section 34-4-102(2), is amended by deleting the words "advanced age,".

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **House Bill No. 2581**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97

Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 2538 --** Massage - Redefines "massage establishment" to be business held out to the public; authorizes massage licensure board to promulgate rules and regulations pertaining to ethics, to define somatic therapy and set all education and other requirements for licensure. Amends TCA Title 63, Chapter 18, Part 2. by \*Chumney, \*Odom. (SB2883 by \*Jordan)

Rep. Chumney moved that House Bill No(s). 2538 be reset to the Regular Calendar for April 22, 1996, which motion prevailed.

**House Bill No. 2167 --** Municipal Government - Grants cities power by ordinance to employ collection agency to collect fines and costs assessed by municipal court if not collected within 60 days of due date. Amends TCA Section 40-24-105. by \*Pinion. (\*SB2200 by \*Hamilton)

On motion, House Bill No. 2167 was made to conform with **Senate Bill No. 2200**; the Senate Bill was substituted for the House Bill.

Rep. Pinion moved that Senate Bill No. 2200, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Pinion moved that **Senate Bill No. 2200** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 2330 -- Professions and Occupations - Enacts "Client Access to Records Act";** requires any person whose occupation requires state licensure to make copy of files on client available to client upon reasonable notice and cost; gives client civil cause of action and entitles client to liquidated damages of not less than \$500.00 as well as reasonable attorneys fees. by \*Buck. (SB2391 by \*Crutchfield)

Further consideration of House Bill No. 2330, previously considered on today's Calendar.

Rep. Buck moved that House Bill No. 2330 be passed on third and final consideration.

Rep. Buck moved that Amendment No. 1 be considered after Amendment No. 2, which motion prevailed.

Rep. Buck moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2330 by deleting Section 2 of the printed bill and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 63-2-101(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a)(1) Notwithstanding any other provision of law to the contrary, a health care provider shall furnish to a patient or a patient's authorized representative a copy or summary of such patient's medical records, at the option of the health care provider, within ten (10) working days upon request in writing by the patient or such representative.

(2) If a provider fails to comply with the provisions of subdivision (a)(1) of this subsection, proper notice shall be given to the board of medical examiners and the provider may be subject to disciplinary actions which include sanctions and a monetary fine.

AND FURTHER AMEND by redesignating Section 3 of the printed bill as Section 4, and by adding the following as a new Section 3:

Section 3. Tennessee Code Annotated, Section 63-2-102(a), is amended by adding the following at the end of the subsection:

Such reasonable costs shall not exceed ten dollars (\$10.00) for reports twenty (20) pages or less in length and twenty-five cents (25¢) per page for each page copied after the first twenty (20) pages.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved that **House Bill No. 2330**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2945** -- Workers' Compensation - Requires all subcontractors and those engaged in the construction industry to carry workers' compensation insurance regardless of size. Amends TCA Title 50, Chapter 6. by \*Williams (Williamson). (\*SB2513 by \*Person, \*Crowe)

Rep. Williams(Williamson) moved that House Bill No(s). 2945 be reset to the Regular Calendar for April 22, 1996, which motion prevailed.

to mother of child for support. Amends TCA Title 36. by \*DeBerry J, \*Bowers, \*Walley, \*Eckles, \*Turner (Hamilton), \*Brooks. (\*SB2891 by \*Dixon)

Rep. DeBerry J moved that House Bill No. 2679 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2679 by deleting subsection (b) of the amendatory language of SECTION 1 and substituting instead the following:

(b) In addition to child support, a judge may require the non-custodial parent of the child who is not the legal spouse of a minor and who is an adult, to pay an amount for the maintenance and support of the custodial parent if the custodial parent of the child is a minor who is less than eighteen (18) years of age. Such amount shall be determined by the court based on the non-custodial parent's ability to pay and shall be in addition to any court-ordered child support. Any order requiring the non-custodial parent to pay an additional amount for the maintenance and support of the custodial parent shall terminate on the custodial parent's eighteenth (18th) birthday.

On motion, Amendment No. 1 was adopted.

Rep. DeBerry J moved that **House Bill No. 2679**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 3077** -- Obscenity and Pornography - Adds that oral leases or rental contracts on buildings used for sale or exhibition of obscene material unenforceable, as

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well as written leases or contracts. Amends TCA Section 66-7-105. by \*DeBerry J, \*Hargrove. (\*SB3139 by \*Fowler, \*Person, \*Elsea, \*Carter, \*Rice, \*Leatherwood, \*Haynes, \*Kyle, \*McNally, \*Miller J, \*Holcomb)

On motion, House Bill No. 3077 was made to conform with **Senate Bill No. 3139**; the Senate Bill was substituted for the House Bill.

Rep. DeBerry J moved that Senate Bill No. 3139 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 3139 by deleting Section 2 thereof and substituting therefor the following:

SECTION 2. This act shall take effect on January 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 3139 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. DeBerry J moved that **Senate Bill No. 3139**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R.

(Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 3078** -- Obscenity and Pornography - Prohibits sale or production of sexually explicit material not containing federally required notice of where located records containing information pertaining to performers. by \*DeBerry J, \*Hargrove, \*Newton. (\*SB3118 by \*Fowler, \*Person, \*Elsea, \*Carter, \*Rice)

On motion, House Bill No. 3078 was made to conform with **Senate Bill No. 3118**; the Senate Bill was substituted for the House Bill.

Rep. DeBerry J moved that Senate Bill No. 3118, be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 3118 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 39-17-902(a), is amended by adding the sentence "Any matter found legally obscene is subject to the requirements of Title 18, United States Code, Section 2257." to the end of the subsection.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. DeBerry J moved the **Senate Bill No. 3118**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley,



Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wingham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 2940** -- Laundries and Dry Cleaners - Revises Drycleaner's Environmental Response Act by redefining "in-state wholesale distributor" to remove requirement that drycleaning solvents and supplies be primary business; provides that drycleaners collect solvent surcharge from in and out of state distributors Amends TCA Title 68, Chapter 217. by \*Joyce. (\*SB2605 by \*Person)

On motion, House Bill No. 2940 was made to conform with **Senate Bill No. 2605**; the Senate Bill was substituted for the House Bill.

Rep. Joyce moved that Senate Bill No. 2605, be passed on third and final consideration.

On motion, Rep. Napier withdrew Conservation & Environment Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2605 by deleting Section 11 of the amended bill and substituting instead the following:

Section 11. Tennessee Code Annotated, Section 68-217-108, is further amended by deleting the language from subsection (b) "registration fee becomes due and before the registration fee is paid" and substituting instead the language "fee or surcharge is due and before said fee or surcharge is paid".

On motion, Amendment No. 2 was adopted.

Rep. Joyce moved that **Senate Bill No. 2605**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 88  
Noes ..... 6  
Present and Not Voting..... 3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough,

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Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Bell, Purcell, Ritchie, West, Windle, Wunningham -- 6.

Representatives present and not voting were: Hargrove, Langster, Turner (Hamilton) -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 2512** -- Pharmacy - Requires pharmacy that mails prescription into Tennessee from another state to pay Tennessee's annual registration fee for pharmacists. Amends TCA Title 63, Chapter 10. by \*Joyce. (SB2898 by \*Leatherwood)

Rep. Joyce moved that House Bill No. 2512 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:  
**Amendment No. 1**

AMEND House Bill No. 2512 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. A pharmacy that mails a prescription into Tennessee from another state shall first pay the annual registration fee required of a Tennessee pharmacist under T. C. A. 63-10-203. The license fees for out-of state pharmacies and pharmacists shall not exceed those charged to Tennessee pharmacists and pharmacies.

SECTION 2. This act shall take effect July 1,1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Joyce moved that **House Bill No. 2512**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2221 -- Motor Vehicles - Motor Vehicles - Exempts licensed motor vehicle dealers from requirements of automobile auction license, provided no more than 25, rather than 15, motor vehicles sold, each of which at least three, instead of four, model years old. Amends TCA Title 55. by \*Kisber, \*Head. (\*SB2133 by \*Person)**

Rep. Head moved that House Bill No. 2221, be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2221 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-104, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) (1) Notwithstanding the provisions of subsection (a) to the contrary, the commissioner shall establish a system of registration and registration renewals for vehicles registered pursuant to Tennessee Code Annotated, Section 55-4-113, whereby such registration and registration renewal expire one (1) year after such purchase or lease for vehicles which are purchased or leased after July 1, 1996. If registration plates are transferred to such vehicle from a vehicle previously registered pursuant to such section, then the fee for the registration plate shall be prorated accordingly.

(2) Certificates of registration, registration plates and renewals of such registrations and plates registered pursuant to Tennessee Code Annotated, Section 55-4-113, which expire February 28, 1997, are hereby extended until twelve o'clock midnight (12:00) on March 31, 1997. Thereafter renewals of such registration and registration plates shall be in accordance with the provisions of subsection (a).

SECTION 2. Tennessee Code Annotated, Section 55-4-116, is amended by deleting the section in its entirety.

SECTION 3.

(a) Tennessee Code Annotated, Title 55, Chapter 3, Part 4, as amended by Section 4(b)(1) of Chapter 552 of the Public Acts of 1996, is amended by deleting the words "rebuilt salvage" and substituting instead the word "rebuilt".

(b) Tennessee Code Annotated, Section 55-3-208(c), as amended by Section 5 of Chapter 552 of the Public Acts of 1996, is amended by deleting from the second sentence the word "only" and substituting instead the word "primary".

(c) Tennessee Code Annotated, Title 55, Chapter 3, Part 4, as amended by Section 3(5) of Chapter 552 of the Public Acts of 1996, is amended by deleting the words and figures "six thousand pounds (6,000 lbs)" and substituting instead the words and figures "nine thousand pounds (9,000 lbs)".

(d) Tennessee Code Annotated, Title 55, Chapter 3, Part 4, as amended by Section 4(a) of Chapter 552 of the Public Acts of 1996, is amended by deleting from the first sentence the word and figures "July 1, 1996" and substituting instead the word and figures "October 1, 1996".

SECTION 4. Sections 1 and 2 of this act shall take effect on July 1, 1996, the public welfare requiring it and Section 3 of this act shall take effect October 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Head moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2221 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Title 55, Chapters 3 and 4, as amended by Chapter 552 of the Public Acts of 1996, is amended by adding the following new section:

Section \_\_\_\_ It is the legislative intent of the General Assembly that Chapter 552 of the Public Acts of 1996 shall be applied prospectively and that the provisions of such chapter shall not be construed to create any new causes of action for acts that were in compliance with the prior provisions of the law.

On motion, Amendment No. 2 was adopted.

Rep. Head moved that **House Bill No. 2221**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|           |    |
|-----------|----|
| Ayes..... | 97 |
| Noes..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1876** -- Motor Vehicles - Revises procedures for towing, preservation and storage of abandoned motor vehicles; establishes procedure for removal of trespassing vehicle from private property; defines "immobile motor vehicle" and "unattended motor vehicle." Amends TCA Title 55, Chapter 16; Title 66, Chapter 19. by \*Jackson, \*Cole (Dyer). (\*SB1683 by \*Wallace, \*Jordan)

Rep. Jackson moved that House Bill No(s). 1876 be reset to the next available space on the next available Calendar, which motion prevailed.

**House Bill No. 2646** -- Utilities, Utility Districts - Requires natural gas distribution systems to belong to one-call service formed in geographical area in which systems operate. Amends TCA Section 65-31-107. by \*Bragg, \*Kisber, \*Rinks, \*Fowlkes. (\*SB2207 by \*Rochelle)

On motion, House Bill No. 2646 was made to conform with **Senate Bill No. 2207**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 2207 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. Head moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2207 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

|               |               |
|---------------|---------------|
| not less than | nor more than |
| 27,100        | 27,400        |
| 100,300       | 100,400       |
| 41,300        | 41,600        |

Rep. Robinson moved that Amendment No. 2 be tabled, which motion was immediately withdrawn.

On motion, Amendment No. 2 was adopted by the following vote:

|                              |    |
|------------------------------|----|
| Ayes .....                   | 68 |
| Noes .....                   | 11 |
| Present and not voting ..... | 6  |

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Hassell, Head, Herron, Hicks, Jackson, Jones, U. (Shelby), Joyce, Kent, Kerr, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Patton, Phelan, Phillips, Pinion, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Stulce, Tindell, Towns, Turner (Hamilton), Walley, West, Westmoreland, White, Williams (Union), Windle, Winningham, Wood -- 68.

Representatives voting no were: Bird, Bowers, Bragg, Duer, Ford, Jones, S., Odom, Peach, Pruitt, Robinson, Shirley -- 11.

Representatives present and not voting were: Beavers, Jones, R. (Shelby), Lewis, Rhinehart, Turner (Shelby), Venable -- 6.

Rep. Head moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 2207 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 65-31-109, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b)(1) Notwithstanding the provisions of subsection (a) to the contrary, compliance with the notice requirements of Tennessee Code Annotated, Section 65-31-106, is also not required if a water utility or company detects, suspects or determines that a water line, other than a residential line, is leaking or has broken. In such cases, the utility, company or its subcontractor shall give oral notice to each operator having utilities in the area, or the one-call service that serves an operator, of the location where such excavation will occur and request emergency assistance from each operator in locating utilities. Such operators shall make a good faith effort to respond and locate utilities within two (2) hours of such notice.

(2) Any other utility which suspects or determines that a utility line or transmission facility, other than a residential line or facility, is leaking or has broken shall also not be required to comply with the notice requirements of Tennessee Code Annotated, Section 65-31-106 but shall give oral notice to each operator having utilities in the area, or the one-call service that serves an operator, of the location where excavation will occur and request emergency assistance from each operator in locating utilities. Such operators shall make a good faith effort to respond and locate utilities within twelve (12) hours of such notice.

Amendment No. 3 failed.

Rep. Head moved the previous question, which motion prevailed.

Rep. Bragg moved that **Senate Bill No. 2207**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....81

Noes ..... 11  
Present and not voting..... 3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Union), Williams (Williamson), Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Head, Herron, Jones, U. (Shelby), Joyce, Phelan, Phillips, Rigsby, Turner (Hamilton), White, Windle, Winningham -- 11.

Representatives present and not voting were: Davidson, Hargrove, McMillan -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 2873** -- Appropriations - Provides that balance in rainy day fund does not revert at end of fiscal year, but is carried over to next fiscal year. Amends TCA Title 9, Chapter 6. by \*Bragg, \*Bittle, \*Davis, \*Stamps, \*Clabough, \*Hicks, \*McAfee, \*Sharp, \*Coffey, \*Ford S, \*Boyer, \*Newton, \*Beavers, \*Hassell, \*McKee, \*Wood, \*Walley, \*Ramsey, \*Gunnels, \*Williams (Union), \*Lewis (SB3056 by \*Henry, \*Hamilton, \*Person, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Harper, \*Haun, \*Haynes, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright)

On motion, House Bill No. 2873 was made to conform with **Senate Bill No. 3056**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 3056 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Bragg moved that **Senate Bill No. 3056** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney,



Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Nalfeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 2833** -- Physicians and Surgeons - Adds definition of and references to "research hospital" to definition of "practice of medicine" and statutes authorizing employment of certain physicians by hospitals Amends TCA Title 63 and Title 68. by \*Arriola. (SB2981 by \*Person)

Rep. Arriola moved that House Bill No. 2833 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2833 by inserting the following as new sections immediately preceding the effective date section and by appropriately redesignating the subsequent section:

Section \_\_\_\_ Tennessee Code Annotated, Section 63-6-204(d)(6), is amended by redesignating the existing subdivision as (d)(6)(A) and by adding the following as a new subdivision (B):

(d)(6)(B) Notwithstanding the provisions of subdivision (6)(A) and subdivision (d)(1) of this section, a research hospital as defined in this act may employ radiologists, anesthesiologists, or pathologists under the same terms and conditions as other physicians.

Section \_\_\_\_ Tennessee Code Annotated, Section 68-11-205(b)(9), is amended by redesignating the existing subdivision as (b)(9)(A) and by adding the following as a new subdivision (b)(9)(B):

(b)(9)(B) Notwithstanding the provisions of subdivisions (b)(6) and (b)(9)(A) of this section, a radiologist, anesthesiologist or pathologist may be employed by a research hospital as defined in this act. Such radiologist, anesthesiologist or pathologist shall be employed by such research hospital under the same terms and conditions as other physicians.

AND FURTHER AMEND by deleting Sections 2 and 4 of the printed bill.

On motion, Amendment No. 1 was adopted.

Rep. Arriola moved that **House Bill No. 2833**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes .....                   | 97 |
| Noes .....                   | 0  |
| Present and not voting ..... | 1  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Westmoreland -- 1.

A motion to reconsider was tabled.

**House Bill No. 2136** -- Sunset Laws - Aquaculture advisory board, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 33. by \*Kernell, \*Garrett, \*Brooks. (\*SB2014 by \*Haynes)

On motion, House Bill No. 2136 was made to conform with **Senate Bill No. 2014**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2014, be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 2014** be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 98 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney,

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Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 336** -- Education - Requires local school funding be distributed on basis of weighted full-time equivalent average daily membership (WFTEADM) rather than daily attendance (WFTEADA). Amends TCA 49-3-315. by \*Towns. (\*SB162 by \*Cohen)

Rep. Towns moved that House Bill No. 336 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 336 by deleting Sections 1 and 2 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-3-315(a), is amended by deleting the eighth sentence and the first two lines of the ninth sentence thereof, and substituting the following:

All school funds for current operation and maintenance purposes collected by any county, except the funds raised by any local special student transportation tax levy as authorized in this subsection, shall be apportioned by the county trustee among the LEAs therein on either the same basis on which state BEP funds are distributed among the LEAs in that county or on the basis of the WFETADA maintained by each LEA. The selection of the basis to be used shall be made by the county commission. If the county selects the BEP basis, the state board of education shall advise each county

trustee of the appropriate distribution formula to use each year. If the county selects the WFTEADA basis,

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

Rep. Towns moved that House Bill No(s). 336 be reset to the Regular Calendar for April 22, 1996, which motion prevailed.

**House Bill No. 2454** -- Liens - Extends to certain church-owned property status, with respect to mechanics' and materialmen's liens, enjoyed by residential real property. Amends TCA Title 66, Chapter 11, Part 1. by \*Dunn, \*Curtiss. (\*SB2307 by \*Rice, \*Gilbert)  
Rep. Dunn moved that House Bill No. 2454 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2454 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 66-11-145(a), is amended by deleting in the first sentence the words, figures and symbols "provide, within sixty (60)" and by substituting instead the following:  
"mail, within ninety (90)".

SECTION 2. Tennessee Code Annotated, Section 66-11-145, is further amended by adding the following as a new, appropriately designated subsection:

( ) A notice of nonpayment provided in accordance with this section shall not be considered notice required by §66-11-115(c).

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Dunn moved that **House Bill No. 2454**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,

DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 3136** -- Transportation, Dept. of - Authorizes commissioner to establish cost principles in determining reasonableness of costs; overhead not to exceed 150 percent of labor costs. Amends TCA Title 54, Chapter 5. by \*Stamps, \*Bittle, \*Davis, \*McDaniel. (\*SB3163 by \*Jordan, \*McNally, \*Rice, \*Koella, \*Eisea, \*Wright)

Rep. Stamps moved that House Bill No. 3136 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3136 by deleting the language "one hundred and fifty percent (150%)" from the amendatory language of the original Section 1 and by substituting instead the language "one hundred forty-five percent (145%)".

On motion, Amendment No. 1 was adopted.

Rep. Stamps moved that **House Bill No. 3136**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|                             |    |
|-----------------------------|----|
| Ayes.....                   | 94 |
| Noes .....                  | 1  |
| Present and not voting..... | 1  |

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 94.

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Representatives voting no were: Armstrong -- 1.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

**House Bill No. 2879** -- Consumer Protection - Regulates certain telephone solicitations. Amends TCA Title 47, Chapter 18. by \*Stamps, \*Ritchie. (\*SB2942 by \*Fowler)

Rep. Stamps moved that House Bill No(s). 2879 be reset to the Regular Calendar for April 22, 1996, which motion prevailed.

**\*House Joint Resolution No. 464** -- Highway Signs - "David M. Brewer Bridge," Ramble Creek on S.R. 69A, Benton County. by \*Peach.

Rep. Peach moved adoption of House Joint Resolution No. 464.

Rep. Peach moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 464 by deleting in the caption, the language "David M. Brewer Bridge" and by substituting instead the language "Representative David M. Brewer Bridge".

AND FURTHER AMEND by deleting in the first two resolving clauses, the language "David M. Brewer Bridge" and by substituting instead, the language, "Representative David M. Brewer Bridge".

On motion, Amendment No. 1 was adopted.

Rep. Peach moved adoption of **House Joint Resolution No. 464** as amended, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner

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(Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 1840** -- Municipal Government - Permits real property owners to vote in city elections in Collinwood. Amends TCA 6-20-106. by \*Peach. (SB1840 by \*Wilder)

On motion, House Bill No. 1840 was made to conform with **Senate Bill No. 1840**; the Senate Bill was substituted for the House Bill.

Rep. Peach moved that Senate Bill No. 1840, be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State & Local Government Committee Amendment No. 1.

Rep. Peach moved that **Senate Bill No. 1840** be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 76 |
| Noes ..... | 16 |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Kent, Kerr, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Bowers, Brooks, Brown, Byrd, Chumney, DeBerry, L., Eckles, Givens, Jones, R. (Shelby), Joyce, Kernell, Kisber, Miller, Rigsby, Turner (Hamilton), Turner (Shelby) -- 16.

A motion to reconsider was tabled.

**\*House Bill No. 2076** -- Privacy, Confidentiality - Enacts "Patient's Privacy Protection Act." Amends TCA Title 68, Chapter 11. by \*Herron. (SB2477 by \*Henry)

Rep. Herron moved that House Bill No. 2076 be passed on third and final consideration.

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Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2076 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Nothing in this part shall be construed as prohibiting the information made confidential by the provisions of this part from being subject to the subpoena of a court of competent jurisdiction.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2076 is amended by deleting Section 4 and by substituting instead the following:

SECTION 4. Except for any statutorily required reporting to health authorities and except for access by an interested third-party payer (or their designee) for the purpose of utilization reviews, case management, peer reviews, or other administrative functions, the name and address and other identifying information of a patient shall not be divulged. The name and address and other identifying information shall not be sold for any purpose. Any violation of this provision shall be an invasion of the patient's right to privacy.

Rep. Herron moved to amend as follows:

**Amendment No. 1 to Amendment No. 2**

AMEND Amendment No. 2 by deleting in Section 4, as amended, the language "to health authorities" and by substituting instead the language "to health or government authorities".

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

On motion, Amendment No. 2, as amended was adopted.

Rep. Herron moved that **House Bill No. 2076**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes.....  | 98 |
| Noes ..... | 0  |



Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 2321** -- Privacy, Confidentiality - Clarifies patient's medical records of health care provider are not public records and no requirement to furnish records deemed to impair privilege of confidentiality conferred by law on patients, personal representatives or heirs. Amends TCA Title 63, Chapter 2. by \*Herron. (SB2645 by \*Henry)

On motion, House Bill No. 2321 was made to conform with **Senate Bill No. 2645**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that Senate Bill No. 2645 be passed on third and final consideration.

On motion, Rep. Jackson withdrew Judiciary Committee Amendment No. 1.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2645 by adding the following language to the end of the amendatory language of SECTION 1:

Nothing in this act shall be construed as prohibiting a patient's medical records from being subpoenaed by a court of competent jurisdiction.

On motion, Amendment No. 2 was adopted.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 2645 by adding the following to the end of the amendatory language of SECTION 1:

As used in this subsection "medical records" includes any list of patients that is compiled or maintained by or for such patient's health care provider.

On motion, Amendment No. 3 was adopted.

Rep. Herron moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 2645 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Except for any statutorily required reporting to health or government authorities and except for access by an interested third-party payer (or their designee) for the purpose of utilization reviews, case management, peer reviews, or other administrative functions, the name and address and other identifying information of a patient shall not be divulged. The name and address and other identifying information shall not be sold for any purpose. Any violation of this provision shall be an invasion of the patient's right to privacy.

On motion, Amendment No. 4 was adopted.

Rep. Herron moved that **Senate Bill No. 2645**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2861** -- Education - Enacts "Student and Employee Safe Environment Act of 1996." Amends TCA Section 49-2-203; Section 49-2-303 and Section 49-6-3402. Repeals TCA Title 49, Chapter 6, Part 40. by \*Fowlkes, \*Windle,

\*Winningham, \*Boyer, \*McKee, \*Callicott, \*Hicks, \*McDonald, \*Stulce, \*Williams (Williamson), \*Purcell, \*Davis, \*Rhinehart, \*Davidson, \*Hargrove, \*Ramsey, \*Patton, \*Brown, \*Jones U (Shelby), \*Chumney, \*Jones, S.. (\*SB2116 by \*Cooper)

Rep. Fowlkes moved that House Bill No. 2861 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2861 by deleting the entire language in the printed bill after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Sections 49-6-4001 through 49-6-4006, are hereby repealed in their entirety and the following Sections 2 through 8 of this bill are substituted therefor.

SECTION 2. This part of Chapter 6, Title 49, may be cited as the Student and Employee Safe Environment Act of 1996.

SECTION 3. FORMULATION AND ADMINISTRATION OF BEHAVIOR AND DISCIPLINE CODES. - (a) The governing body of each local education agency shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by such local education agency.

(b) The superintendent or other administrative head of the local education agency shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within that school.

(c) The governing body of each local education agency shall review and, if necessary, redraft existing behavior and discipline codes prior to January 1, 1997. In formulating the behavior and discipline codes, the governing body of each local education agency shall seek recommendations from parents, employees, law enforcement personnel, and youth-related agencies in the community.

SECTION 4. CODE CONTENTS. - Each code shall contain the type of behavior expected from each student, the consequences of failure to obey such standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each code shall address the topics of language used by students, respect for all school employees, fighting, threats, weapons on school property or at school functions, damage to the property or person of others, misuse or destruction of school property, drug or alcohol abuse, the

sale or distribution of drugs or alcohol, student conduct on school property, conduct in classes and such other subjects as the local governing body shall choose to include.

**SECTION 5. UNIFORM AND FAIR APPLICATION OF CODES.** - The principal of each school shall apply the code uniformly and fairly to each student at the school without partiality or discrimination.

**SECTION 6. DIFFERENT CODES FOR DIFFERENT CLASSES OF SCHOOLS.** - The governing body of the local education agency may choose to adopt different but consistent codes of behavior and discipline to apply to different classes of schools, such as elementary, middle, junior high, and senior high, under their jurisdiction. All such codes shall be uniform to the extent of maximum consideration for the safety and well-being of students and employees.

**SECTION 7. CIVIL LIABILITY.** - In addition to criminal penalties provided by law, there is created a civil cause of action for an intentional assault, personal injury or injury to the personal property of students or school employees when such assault occurs during school hours, on school property or during school functions, including travel to and from school on school buses. A person who commits such an assault or injury shall be liable to the victim for all damages resulting therefrom, including compensatory and punitive damages. Upon prevailing, the victim shall be entitled to treble damages and reasonable attorney fees and costs.

**SECTION 8. CODE DISTRIBUTION AND POSTING.** - When a code of behavior and discipline has been adopted by the governing body of a local education agency, a copy of the code shall be posted at each school and guidance counselors shall be supplied copies for discussion with students. The code shall be referenced in all school handbooks. All teachers, administrative staff and parents shall be provided copies of the code.

**SECTION 9.** Tennessee Code Annotated, Section 49-2-203, is amended by deleting subdivision (a)(8) in its entirety and substituting in lieu thereof the following:

(a)(8) Suspend, dismiss or alternatively place pupils when the progress or efficiency of the school make it necessary or when disruptive, threatening or violent students endanger the safety of other students or school system employees;

**SECTION 10.** Tennessee Code Annotated, Section 49-2-303, is amended by inserting the following new subdivisions to be designated as (b)(4) and (b)(5) and by renumbering existing subdivisions (b)(4) through (b)(6) accordingly:

(b)(4) Administer and implement the school behavior and discipline code and require guest passes for all persons other than enrolled students and employees of the school.

(b)(5) Principals are encouraged to improve school security by limiting school access during school hours to monitored entrances.

SECTION 11. In addition to the other provisions of this act, a student committing battery upon any teacher, principal, administrator, or any other employee of a local education agency or unlawfully possessing any narcotic or stimulant drug shall be expelled for a period of not less than one (1) calendar year, except that the director or superintendent may modify this expulsion on a case-by-case basis. For purposes of this section, "expelled" means removed from the pupil's regular school program or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to alternative school.

SECTION 12. Tennessee Code Annotated, Section 49-6-3402, is amended by inserting at the end of subdivision (f) the following:

The state board of education in its rules and regulations shall require that all alternative school classrooms have working two-way communication systems making it possible for teachers or other employees to notify a principal, supervisor or other administrator that there is an emergency. Teachers and other employees shall be notified of emergency procedures prior to the beginning of classes for any school year.

SECTION 13. If any provision of this act or the application thereof to any person or circumstance held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Fowlkes moved to amend as follows:

**Amendment No. 1 to Amendment No. 2**

AMEND Amendment No. 2 by deleting Section 11 of the printed bill, as amended, in its entirety and by substituting instead the following:

Section 11. In addition to the other provisions of this act, a student in grades 7 through 12 committing battery involving serious bodily injury as defined by Tennessee Code Annotated, Section 39-11-106(a)(2) upon any teacher, principal, administrator, or any other employee of a local education

agency or unlawfully possessing any narcotic or stimulant drug shall be expelled for a period of not less than one (1) calendar year, except that the director or superintendent may modify this expulsion on a case-by-case basis. A student with a disability or multiple disabilities shall not be expelled until the federal and state laws which determined him/her to be disabled are procedurally complied with and the behavior is determined not to be due to his/her handicapping condition(s). For purposes of this section, expelled means removed from the pupil's regular school program or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to alternative school.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

On motion, Amendment No. 2, as amended, was adopted.

Rep. Fowlkes moved that **House Bill No. 2861**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes.....  | 95 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2642** -- General Assembly, Directed Studies - Provides for commission to study character education Amends TCA Section 49-6-1007. by \*Fowlkes, \*McDonald, \*Callicott, \*Arriola, \*Davidson. (\*SB2843 by \*Henry)

Rep. Fowlkes moved that House Bill No(s). 2642 be reset to the Regular Calendar for April 18, 1996, which motion prevailed.

**\*Senate Joint Resolution No. 43** -- General Assembly, Studies - Creates special joint committee to study procurement of professional architectural and engineering services by local governments and utility districts. by \*Crowe, \*Rice.

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Rep. Kerr moved that Senate Joint Resolution No. 43 be concurred in.

Rep. Kerr moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Joint Resolution No. 43 by deleting the date "1996" from the last resolving clause, and by substituting instead the date "1997".

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved that **Senate Joint Resolution No. 43**, as amended, be concurred in, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**\*Senate Bill No. 2726** -- State Symbols - Directs state museum to maintain permanent display of state symbols. Amends TCA Title 4, Chapter 1, Part 3. by \*McNally. (HB2529 by \*Boyer)

Further consideration of Senate Bill No. 2726, previously considered on April 11, 1996, at which time the Senate Bill was substituted for the House Bill and the House was on the motion to adopt Amendment No. 1, and reset to today's Calendar.

Speaker Naifeh requested that Senate Bill No. 2726 be moved to the heel of the Calendar.

**House Bill No. 1505** -- DUI/DWI Offenses - Requires impoundment of vehicle used to commit second DUI for period of 28 days. Amends TCA Title 55, Chapter 10, Part 4. by \*Windle, \*Boyer, \*Williams (Union), \*Jackson, \*Patton. (\*SB4 by \*Burks, \*Miller J)

Further consideration of House Bill No. 1505, previously considered on April 8, 1996, at which time the House adopted Amendment No. 1, and April 11, 1996, at which time the House adopted Amendment No. 2, and reset to today's Calendar.

Rep. Windle moved that House Bill No. 1505, as amended, be passed on third and final consideration.

Rep. McMillan moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1505 in the amendatory language of subdivision (1) of Section 1, by inserting the following language immediately after the word "impoundment":

; provided such vehicle is titled solely in the name of the person driving the vehicle at the time of the violation of Section 55-10-401

AND FURTHER AMEND by deleting subdivision (6) of the amendatory language of Section 1 and by redesigning subdivision (7) as subdivision (6).

AND FURTHER AMEND by inserting the following between the first and second sentences of subsection ( ) (3) of SECTION 1:

Upon taking the vehicle into custody, the police department or the sheriff shall notify all persons or entities who have liens of record on the vehicle seized that such vehicle is in custody and will be impounded for a period of twenty-eight (28) days pursuant to this subsection.

On motion, Amendment No. 3 was adopted.

Rep. Windle moved that **House Bill No. 1505**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|                             |    |
|-----------------------------|----|
| Ayes.....                   | 87 |
| Noes .....                  | 6  |
| Present and not voting..... | 3  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phillips, Pinion, Purcell, Ramsey,



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Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Head, Kernell, Phelan, Pruitt, Turner (Shelby), Westmoreland -- 6.

Representatives present and not voting were: Bell, Bowers, Jones, U. (Shelby) -- 3.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill 1505 and have this statement entered in the Journal: Rep(s). Miller.

**REGULAR CALENDAR, CONTINUED**

**\*Senate Bill No. 2726** -- State Symbols - Directs state museum to maintain permanent display of state symbols. Amends TCA Title 4, Chapter 1, Part 3. by \*McNally. (HB2529 by \*Boyer)

Further consideration of Senate Bill No. 2726, previously considered on today's Calendar.

Rep. Williams(Union) moved that Senate Bill No(s). 2726 be reset to the Regular Calendar for April 22, 1996, which motion prevailed.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2455** -- Pest Control - Authorizes use of certain adjuvants with pesticides. Amends TCA Title 43, Chapter 8, Part 3; Title 43, Chapter 8, Part 1 and Title 62, Chapter 21, Part 1. by \*Fitzhugh, \*Phelan. (\*SB2755 by \*Wilder)

**Senate Amendment No. 1**

AMEND House Bill No. 2455 by deleting from Sections 3, 6, and 8 the language "water modified" wherever it appears and substituting instead the language "water modifier".

Rep. Fitzhugh moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2455

Rep. Joyce moved to amend the motion to concur in Senate Amendment No. 1 to a motion to non-concur in Senate Amendment No. 1.

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Rep. Phelan moved that Rep. Joyce's motion be tabled, which motion prevailed by the following vote:

|                              |    |
|------------------------------|----|
| Ayes .....                   | 70 |
| Noes .....                   | 18 |
| Present and not voting ..... | 2  |

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Kent, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Beavers, Brown, Clabough, Duer, Dunn, Ford, Hassell, Jones, R. (Shelby), Joyce, Kernell, Kerr, Miller, Peach, Sharp, Shirley, Stamps, Williams (Union), Wood -- 18.

Representatives present and not voting were: Jones, U. (Shelby), Turner (Shelby) -- 2.

Rep. Callicott moved the previous question, which motion prevailed.

Rep. Fitzhugh moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2455**, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 88 |
| Noes ..... | 6  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Brown, Jones, R. (Shelby), Joyce, Kerr, Peach, Shirley -- 6.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

**Senate Bill No. 1981** -- Public Records - Authorizes cities and counties to establish and operate electronic access to public records on contractual, fee-based basis. Amends TCA Title 10, Chapter 7. by \*Ford J. (\*HB1960 by \*Chumney)

Rep. Chumney moved that Senate Bill No(s). 1981 be reset to the Message Calendar for April 18, 1996, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2489** -- Penal and Reformatory Institutions - Requires prison or jail director to notify employees of identity of inmates known to have infectious diseases; limits application to employees who physically interact with such inmates; prohibits release of confidential information to public. by \*Windle, \*Armstrong, \*Arriola, \*Beavers, \*Bell, \*Bird, \*Bowers, \*Boyer, \*Bragg, \*Brown, \*Buck, \*Burchett, \*Byrd, \*Callicott, \*Cantrell, \*Chumney, \*Clabough, \*Coffey, \*Cole (Dyer), \*Cross, \*Curtiss, \*Davidson, \*Davis, \*DeBerry J, \*DeBerry L, \*Duer, \*Dunn, \*Eckles, \*Fitzhugh, \*Ford S, \*Fowlkes, \*Givens, \*Gunnels, \*Haley, \*Halteman Harwell, \*Hargrove, \*Hassell, \*Head, \*Herron, \*Hicks, \*Huskey, \*Jones U (Shelby), \*Jones R (Shelby), \*Jones, S., \*Joyce, \*Kent, \*Kernell, \*Kerr, \*Kisber, \*Langster, \*Lewis, \*McAfee, \*McDaniel, \*McDonald, \*McKee, \*McMillan, \*Miller L, \*Naifeh, \*Napier, \*Newton, \*Odom, \*Patton, \*Phelan, \*Phillips, \*Pinion, \*Pruitt, \*Ramsey, \*Rhinehart, \*Ridgeway, \*Rigsby, \*Rinks, \*Ritchie, \*Roach, \*Robinson, \*Sharp, \*Shirley, \*Stamps, \*Stulce, \*Tindell, \*Towns, \*Turner (Hamilton), \*Turner (Shelby), \*Walley, \*West, \*Westmoreland, \*White, \*Whitson, \*Williams (Williamson), \*Williams (Union), \*Windle, \*Winningham, \*Wood. (SB3225 by \*Burks)

**Senate Amendment No. 2**

AMEND House Bill No. 2489 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 51, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. (a) It is the intent of the general assembly to protect the health and safety of the citizens of Tennessee through control of the spread of infectious diseases. The purpose of this act is to require a correctional institution to inform an employee, contract employee, or visitor of the infectious disease status of an inmate if such person has potentially been exposed to an infectious disease by the inmate.

(b) For purposes of this section, the following definitions apply:

(1) "Bloodborne pathogen" means the pathogenic microorganism that is present in human blood and can cause disease in humans. These pathogens include, but are not

limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

(2) "Exposure incident" means a specific eye, mouth, other mucous membrane, skin, or parenteral contact with blood or other potentially infectious material that results from the performance of an employee's duties or during a visit to a correctional institution, county or municipal jail, or workhouse.

(3) "Source individual" means any inmate, living or dead, whose blood or other potentially infectious materials may be a source of occupational or visitation exposure.

(c) Following a report of an exposure incident, a superintendent, director, or warden of a correctional institution, county or municipal jail, or workhouse shall test the source individual, or source individuals, with or without the source individual's consent, to determine bloodborne pathogen infectivity.

(d) The superintendent, director or warden of the penitentiary, correctional institution, county or municipal jail, or workhouse shall disclose the results of the testing to each correctional employee, law enforcement officer, correctional employee or visitor who was involved in the exposure incident and who reasonably believes that he or she may have been exposed to a serious or life-threatening disease or pathogen.

(e) This act does not authorize the release of confidential information to members of the public in violation of Tennessee Code Annotated, Section 10-7-504. For the purposes of this act, any person informed of the results of any inmate's test for infectious diseases shall treat the information received as confidential.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

#### Senate Amendment No. 1

AMEND House Bill No. 2489 by deleting Section 1(b)(3) and substituting instead the following:

(3) "Source individual" means any inmate, living or dead, involved in an exposure incident.

Rep. Windle moved that the House concur in Senate Amendment(s) No(s). 2 and 1 to House Bill No. 2489, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 94 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

## **HOUSE ACTION ON SENATE MESSAGE**

### **MOTION TO RECONSIDER**

**\*Senate Bill No. 2791** -- Public Service Commission - Establishes certain job security and salary protection for certain transferred employees Amends TCA Title 8 and Title 65. by \*Cooper, \*Gilbert. (HB3051 by \*Jones U (Shelby), \*Odom, \*West, \*Bowers, \*Brooks, \*Miller L, \*DeBerry J, \*Ritchie, \*Armstrong, \*Cross, \*Langster, \*Ridgeway, \*Pinion, \*Tindell, \*Chumney, \*Pruitt, \*Windle, \*Towns, \*Arriola)

Rep. Jones U (Shelby) moved to lift from the table the motion to reconsider Senate Bill No. 2791, which motion prevailed.

Rep. Jones U (Shelby) moved to reconsider action in passing Senate Bill No. 2791, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 2.

On motion, Amendment No. 2 was withdrawn.

Rep. Jones U (Shelby) moved that Senate Bill No. 2791 be passed on third and final consideration.

Rep. Jones U (Shelby) moved adoption of Amendment No. 3 as follows:

### **Amendment No. 3**

AMEND Senate Bill No. 2791 by deleting Section 2 of the entirety, by substituting instead the following new Section2, and by adding a new Section 3:

SECTION 2. A public service commission officer who is authorized to carry a firearm while on duty, and has more than twenty-five (25) years of honorable service, and leaves the service of the public service commission before retirement eligibility because of personnel actions executed under

Chapter 305 of the Public Acts of 1995, may retain his or her service weapon under the provisions of Section 65-15-106(c)(3).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it. Section 1 of this act is repealed on December 31, 1996.

On motion, Amendment No. 3 was adopted.

Rep. Jones U (Shelby) moved that **Senate Bill No. 2791**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 96 |
| Noes ..... | 0  |

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE MESSAGE

**\*Senate Bill No. 1959 --** Chiropractors - Revises requirements for obtaining continuing education hours. Amends TCA Section 63-4-112. by \*Henry. (HB1950 by \*Gunnels, \*McKee)

Rep. McKee moved that Senate Bill No(s). 1959 be reset to the Message Calendar for April 18, 1996, which motion prevailed.

#### HOUSE ACTION ON SENATE MESSAGE

##### MOTION TO RECONSIDER

**\*Senate Bill No. 2179 --** Motor Vehicles, Titling and Registration - Authorizes issuance of special plates depicting support for St. Jude Children's Research Hospital. Amends TCA Title 55, Chapter 4. by \*Kyle, \*Haun. (HB2292 by \*Byrd, \*Naifeh, \*Rinks, \*Bowers, \*Jackson, \*Cole (Carter), \*Cole (Dyer), \*Kent)

Rep. Byrd moved to lift from the table the motion to reconsider Senate Bill No. 2179, which motion prevailed.

Rep. Byrd moved to reconsider action in passing Senate Bill No. 2179, which motion prevailed.

Rep. Byrd moved that Senate Bill No. 2179 be passed on third and final consideration.

Rep. Byrd moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2179 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Notwithstanding any other provision of this act, for the first fiscal year in which such license plates are issued and after deducting the expense the state has incurred in designing and manufacturing such plates, funds derived from the sale of license plates of the first one thousand (1,000) such plates pursuant to this act shall be distributed to the general fund and funds derived from the sale of such license plates in excess of one thousand (1,000) shall be distributed as otherwise provided in this act. For succeeding fiscal years, all funds derived from the renewal of the plates described in this act or from any new issues of such plates, less any expense the state has incurred in designing and manufacturing such plates, shall be distributed as earmarked in this act with no further payments going to the general fund from such plates.

On motion, Amendment No. 2 was adopted.

Rep. Byrd moved that **Senate Bill No. 2179**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson,

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Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

**MOTION TO RECONSIDER**

**Senate Bill No. 1975 --** Pardons and Paroles - Authorizes increase in number of members of work release commissions in counties other than Davidson from three up to 12. Amends TCA Section 41-2-134(c). by \*Kyle. (\*HB1956 by \*Kent)

Rep. Kent moved to lift from the table the motion to reconsider Senate Bill No. 1975, which motion prevailed.

Rep. Kent moved to reconsider action in passing Senate Bill No. 1975, which motion prevailed.

Rep. Kent moved that Senate Bill No. 1975, be passed on third and final consideration.

Rep. Kent moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1975 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 41-2-134(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) In any county having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent census, and in any county having a metropolitan form of government and a population of not less than one hundred thousand (100,000) according to the 1990 federal census or any subsequent census, the commission shall be composed of not more than twelve (12) members nor less than three (3) members, who shall meet as three (3) member panels for the purpose of reviewing and approving applications for work release.

On motion, Amendment No. 1 was adopted.

Rep. Kent moved that **Senate Bill No. 1975**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**RECALL REQUESTED**

Rep. McDonald moved that Senate Joint Resolution No. 393 be recalled from the Senate, which motion prevailed.

**SPECIAL ORDER**

Rep. Purcell moved that all bills on the Calendar for Wednesday, April 17, 1996 be reset to Thursday, April 18, 1996, which motion prevailed.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2244; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 876; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2763; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 18, 1996:

House Bill No. 2763; by Rep. Purcell.

House Bill No. 876; by Rep. Turner(Hamilton).

House Bill No. 2244; by Rep. Bragg.

House Bill No. 2274; by Rep. Curtiss.

House Bill No. 2342; by Rep. DeBerry J.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 22, 1996:

**House Bill No. 2992:** by Rep. Kernell

**House Bill No. 30:** by Rep. Walley

**House Bill No. 2859:** by Rep. Fowlkes

**RESOLUTION READ**

Rep. Kernell requested a second reading of Senate Joint Resolution No. 4.

**\*Senate Joint Resolution No. 4 --** Constitutional Amendments - Removes constitutional prohibition on lotteries. by \*Cohen.

The Clerk read Senate Joint Resolution No. 4 for its second constitutional reading, in accordance with Article XI, Section 3 of the Constitution of the State of Tennessee.

Rep. Kernell requested that Senate Joint Resolution be held on the Clerk's desk until April 18, 1996, pending third reading.

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**BILLS WITHDRAWN**

On motion of Rep. Rhinehart, **House Bill No. 1031** was withdrawn from the House.

**MESSAGE FROM THE GOVERNOR**

**April 15, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 645, 2366, 2520, 2622, 2698, 2788, 2887, 2951, 2974, 3203 and 3268, with his approval.

HARDY MAYS, Counsel to the Governor.

**ENROLLED BILLS**

**April 15, 1996**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 834, 2022 and 3081; also, House Joint Resolution(s) No(s). 404 and 542.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 15, 1996**

The Speaker signed the following: House Bill(s) No(s). 834, 2022 and 3081; House Joint Resolution(s) No(s). 404 and 542.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 15, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2244 and 3301.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2562 and 2795; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 457; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**House Joint Resolution No. 457** -- Memorials, Congratulations - Chattanooga Music Club, 100th Anniversary. by \*Stulce.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 621, 2097, 2857 and 2932; also, Senate Joint Resolution(s) No(s). 108; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2181, 3256, 3283 and 3284; also, House Joint Resolution(s) No(s). 378, 438, 509, 510, 511, 512, 514, 515, 516, 517, 518, 519, 520, 521, 522, 524 and 526; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 15, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3295.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 30; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 15, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2581.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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**ENGROSSED BILLS**

**April 15, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2221.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2859; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2021, 2539, 2860, 2862, 3295 and 3301; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 15, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2218, 2326, 2330, 2512, 2679, 2892, 2987, 3031, 3264, 3282, 3288, 3289, 3290, 3291, 3293, 3298 and 3302; also, House Joint Resolution(s) No(s). 415, 444, 461, 538, 543 and 545.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2536 and 2825; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENROLLED BILLS**

**April 15, 1996**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 3301.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**April 15, 1996**

The Speaker signed the following: House Bill(s) No(s). 3301.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3301; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**April 15, 1996**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2181, 3256, 3283 and 3284; also, House Joint Resolution(s) No(s). 378, 438, 509, 510, 511, 512, 514, 515, 516, 517, 518, 519, 520, 521, 522, 524 and 526.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**April 15, 1996**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s).3301

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 15, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 455 and 463; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 455 --** Memorials, Personal Occasion - Herbert and Lola Spain, 50th wedding anniversary. by \*Haynes.

**Senate Joint Resolution No. 463 --** Memorials, Professional Achievement - Washington County Republican Women, recipients 1994-1995 "Diamond Award.". by \*Crowe, \*Atchley.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2581 and 3006; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 15, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1505, 2076, 2454, 2833 and 2861; also, House Joint Resolution(s) No(s). 464.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 834, 2022 and 3081; House Joint Resolution(s) No(s). 404 and 542 signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 15, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 338, 856, 1218, 1629, 1953, 2338, 2514, 2515 and 3284; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 338 --** Apportionment, Legislative - Transfers voting precinct 26-23 from 19th to 21st senatorial district. Amends TCA 3-1-102. by \*Henry, \*Harper.

**\*Senate Bill No. 856 --** Judicial Officers - Revises schedule of fees clerks of probate courts authorized to charge. Amends TCA 8-21-401. by \*Person.

**\*Senate Bill No. 1218 --** Railroads - Revises membership of railway authorities in which Davidson County is member to require that each county have three members. Amends TCA 7-56-203. by \*Harper.

**\*Senate Bill No. 1629 --** Private Investigators - Eliminates private investigation commission. Amends TCA Title 4, Chapter 29; Title 62, Chapter 26. by \*Cooper.

**\*Senate Bill No. 1953 --** Metropolitan Government - Authorizes creation of metropolitan charter commission by petition; makes county funding level for commission more flexible. Amends TCA Title 7, Chapter 2. by \*Rochelle.

**MONDAY, APRIL 15, 1996 -- EIGHTY- FIFTH LEGISLATIVE DAY**

**\*Senate Bill No. 2338 --** Corporations, Not for Profit - Authorizes creation of Tennessee network for community economic development. Amends TCA Title 13, Chapter 14. by \*Dixon.

**\*Senate Bill No. 2514 --** Personnel Recruiting Services - Prorates registration fees for personnel recruiting board scheduled to sunset June 30, 1996. Amends TCA Title 62, Chapter 31, Part 2. by \*Haynes.

**\*Senate Bill No. 2515 --** Salaries and Benefits - Corrects renewal date for licensure of employee assistance professionals. Amends TCA Section 62-42-106. by \*Haynes.

**Senate Bill No. 3284 --** Uniform Commercial Code - Revises process for filing continuation of financing statement by secured parties. Amends TCA Title 47. by \*Crutchfield.

**CONSENT CALENDAR**

**April 15, 1996**

The following local bills have been placed on the Consent Calendar for **April 18, 1996**: House Bill(s) No(s). 3296, 3297, 3303 and 3304.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

**RECESS MOTION**

On motion of Rep. Purcell, the House recessed until 8:30 a.m., Thursday, April 18, 1996.